

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION

Consolidated Multidistrict Action
11 MD 2296 (RJS)

ECF Case

THIS DOCUMENT RELATES TO:

MARC S. KIRSCHNER, as Litigation Trustee for the
TRIBUNE LITIGATION TRUST,

Plaintiff,

-against-

DENNIS J. FITZSIMONS, *et al.*,

Defendants.

No. 12 CV 2652 (RJS)

**AFFIRMATION OF WILLIAM F. MONGAN
IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL**

WILLIAM F. MONGAN, an attorney in good standing, duly licensed to practice law before the courts of the State of New York, hereby affirms under the penalty of perjury as follows:

1. I am counsel at Akin Gump Strauss Hauer & Feld LLP ("Akin Gump"), located at One Bryant Park, New York, New York, 10036, counsel to Marc. S. Kirschner, as Litigation Trustee for the Tribune Litigation Trust ("Plaintiff" or the "Trustee"). I make this affirmation in support of Plaintiff's Motion to Compel and based upon my own personal knowledge and belief, and upon my review of court documents, business records and other information available to me as counsel to Plaintiff.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the Agreement Respecting Transfer of Documents, Information and Privileges from Debtors and Reorganized Debtors (the “Transfer Agreement”), dated June 19, 2012, Bankr. Dkt. No. 11836-8.

3. Attached hereto as Exhibit B is a true and correct copy of the October 18, 2006 minutes of a meeting of the Tribune Company Board of Directors.

4. I have reviewed minutes of meetings of the Tribune Company Special Committee of the Board of Directors in 2006 and 2007. These minutes reflect that Dennis FitzSimons and other senior Tribune officers (i.e., the Non-Moving Defendants) typically attended the Special Committee meetings, along with Tribune’s attorneys and financial advisors.

5. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Fourth Amended Joint Plan of Reorganization For Tribune Company and Its Subsidiaries, dated July 20, 2012, Bankr. Dkt. No. 12072-2

6. Attached hereto as Exhibit D is a true and correct copy of excerpts of the Order Confirming the Fourth Amended Joint Plan of Reorganization, dated July 23, 2012 (the “Confirmation Order”), Bankr. Dkt. No. 12074.

7. Attached hereto as Exhibit E is a true and correct copy of Certain Directors’ and Officers’ Reply to the Objection of Aurelius Capital Management, LP to Confirmation of the Fourth Amended Joint Plan of Reorganization, dated June 1, 2012, Bankr. Dkt. No. 11739.

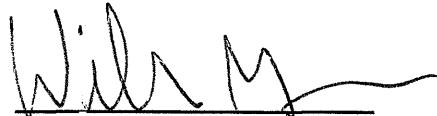
8. Attached hereto as Exhibit F is a true and correct copy of excerpts of the June 8, 2012 Hearing Transcript, Bankr. Dkt. No. 11812.

9. Attached hereto as Exhibit G is a true and correct copy of excerpts of the blackline comparing the June 1, 2012 and June 19, 2012 versions of the Transfer Agreement, Bankr. Dkt. No. 11836-9.

10. Attached hereto as Exhibit H is a true and correct copy of the Joint Letter filed in this matter on November 14, 2017, Dkt. No. 7188.

11. Attached hereto as Exhibit I is a true and correct copy of excerpts of the Trustee's Subpoena to Skadden, Arps, Slate, Meagher & Flom LLP, dated September 6, 2017.

Dated: December 15, 2017
New York, New York



William F. Mongan, Esq.